

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA)
)
v.) Criminal No. 3:02CR00264 (AWT)
)
WALTER A. FORBES)

RULING ON FORBES' RETRIAL MOTION IN LIMINE NO. 24

**(Motion of Defendant Walter A. Forbes to Preclude Evidence,
Cross-Examination, or Argument Concerning (1) the Decline in
Cendant's Stock Price on and After April 15, 1998 or (2) Investor
Losses)**

The Motion of Defendant Walter A. Forbes to Preclude Evidence, Cross-Examination, or Argument Concerning (1) the Decline in Cendant's Stock Price on and After April 15, 1998 or (2) Investor Losses (Doc. No. 1855) is hereby DENIED for the reasons set forth in the Government's Opposition to Defendant Walter A. Forbes' Motion to Preclude Evidence, Cross-Examination, or Arguments Concerning (1) the Decline in Cendant's Stock Price on and After April 15, 1998 or (2) Investor Loss (Doc. No. 1858) (the "Government's Opposition").

Defendant Forbes' initial argument is that such evidence should be excluded because the government has no expert to testify on the subject of stock price or investor losses. The court finds this argument unpersuasive for the reasons set forth at pages 4 to 9 of the Government's Opposition.

Defendant Forbes' second argument is that such evidence

should be excluded under Federal Rule of Evidence 403 because its probative value is substantially outweighed by the danger of unfair prejudice. For the reasons set forth in the Government's Opposition at pages 10 to 12 and 15 to 16, the court concludes that the evidence is relevant to materiality and that the probative value is high, and the court also concludes that there is at most a minimal danger of unfair prejudice for the reasons set forth by the government at pages 13 to 15 of the Government's Opposition. Accordingly, the court concludes that the probative value of this evidence is not substantially outweighed by the danger of unfair prejudice.

It is so ordered.

Dated this 12th day of November 2005 at Hartford,
Connecticut.

_____/s/
Alvin W. Thompson
United States District Judge